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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

JUL 0 1 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)
POWER COOPERATIVE, INC. FOR)
A CERTIFICATE OF PUBLIC) CASE NO. 2005-00089
CONVENIENCE AND NECESSITY TO)
CONSTRUCT A 138 KV TRANSMISSION LINE)
IN ROWAN COUNTY, KENTUCKY)

**DIRECT TESTIMONY OF INTERVENOR
DOUG DOERRFELD**

1 **Please state your name, address, and your occupation.**

2 My name is Doug Doerrfeld, and I am a resident and a property
3 owner in Elliot County, Kentucky. My address is 662 L. Cooper
4 Road, P.O. Box 177, Elliotville, Kentucky 40317. My occupation
5 is woodworker and carpenter.

6 **From whom do you purchase electricity?**

7 From Grayson Rural Electric Cooperative.

8 **Please summarize your concerns about the proposed**
9 **East Kentucky Power Cooperative 138 kV Transmission Line?**

10 As an individual who lives in Elliot and works and recreates in both
11 Elliot and Rowan Counties, I have both economic and aesthetic interests
12 in protecting the quality of life in my community. I use and enjoy the
13 resources of the Daniel Boone National Forest in Rowan County, in-
14 cluding areas that are in proximity to the corridor that has been proposed for
15 construction of the 138 kV transmission line. I have submitted comments

1 to the Forest Service concerning an application made by East Kentucky for
2 a “special use permit” for construction of the line. I am concerned that there
3 has not been adequate consideration to the full range of available alternatives to
4 the preferred option identified by EKPC.

5 **What alternatives do you believe have not been adequately studied?**

6 Among the alternatives that do not appear to have been studied adequately
7 is sharing rights-of-way. In comments that I provided to the Forest Service con-
8 cerning the proposal to issue a special use permit to EKPC, I asked that the
9 Forest Service specifically consider that option, yet the idea never appeared
10 in the analytical documents or the Forest Service Environmental Assessment.

11 **Is that the only alternative that you think deserves more study?**

12 No. Another significant concern that I have is the impact of the proposed route on
13 the Sheltoewe Trace. As one reads the Environmental Assessment developed by
14 the Forest Service, one notes that much is made, in rejecting other alternatives,
15 of the need to avoid visibility of the line from I-64 and US 60. This concern was
16 a basis for rejecting Alternatives D and H from detailed study because a two-mile
17 length of line in Alternative D would be visible through a half mile of forest
18 and some of Alternative H would be visible behind AEP’s transmission lines.

19 What makes is so peculiar is that the Forest Service discounted and minim-
20 ized the dramatic impact that the line would have on the Sheltoewe Trace
21 National Recreation Trail. Over four miles of transmission line would pass
22 directly over, would run parallel to, or would be highly visible from this national
23 trail as it traverses the second largest intact block of national forest land in the

1 northern part of the Daniel Boone National Forest.

2 **What is the Sheltoewe Trace National Recreation Trail?**

3 According to the Forest Service’s website, “the Sheltoewe Trace National
4 Recreation Trail is “a 269-mile multiple-use national recreation trail that
5 traverses the length of the Daniel Boone National Forest. The trail is named
6 in honor of Daniel Boone. Sheltoewe (meaning Big Turtle) was the name
7 given Boone when he was adopted into the Shawnee tribe as the son of the
8 great war chief Blackfish. Boone made several explorations through the
9 area that is now the Daniel Boone National Forest, in search of a route from
10 Virginia to Kentucky. Today many of the creeks, streams and landmarks
11 bear the names given to them by “Sheltoewe.”

12 The Forest Service explanation includes a description of the Trace:
13 “Portions of the Sheltoewe Trace meanders along high, narrow ridges and
14 cliffs, and into deep gorges along small, clear streams and whitewater rivers.
15 The Trace also travels on roads or rights-of-way through private land. These
16 diverse landforms give rise to a great variety of trees, wildflowers, birds, and
17 animals, including threatened and endangered species such as the Virginia
18 big-eared bat, freshwater mussels, running buffalo-clover and white-haired
19 goldenrod. As a visitor to the Sheltoewe Trace National Recreation Trail,”
20 the Forest Service invites, “feel free to explore and discover the natural attractions
21 along the trail. Because of the mixed land ownership, the trail travels along
22 roads as well as woods. It touches significant historic trails like the Wilderness
23 Road and Warrior’s Path, often following them for a short distance.”

1 **Has the Sheltopee Trace been designated as a National Recreation Trail?**

2 It is my understanding, based on the Forest Service website and the Land
3 and Resources Management Plan adopted by the Daniel Boone National
4 Forest, that the trail has been adopted into that system.

5 **Do you know what law creates the National Recreation Trail System?**

6 My understanding is that it is the National Trails System Act.

7 **Are you familiar with the purpose of that Act?**

8 Yes. According to the Act, the purpose is “to provide for the ever-increasing
9 outdoor recreation needs of an expanding population and in order to promote
10 the preservation of, public access to, travel within, and enjoyment and apprec-
11 iation of the open-air, outdoor areas and historic resources of the Nation.”

12 **Do you think that adequate consideration has been given to alternatives
13 that would avoid impacts on the Sheltopee Trace?**

14 No, unfortunately.

15 **Has the Forest Service acted in this case to issue a permit for the line?**

16 Yes, even though KRS 278.020(4) appears to state that no other permits will be
17 sought until after the Commission approves, EKPC obtained a special use permit
18 for the transmission line from the Forest Service.

19 **How did the Forest Service address the issue of protecting Sheltopee Trace?**

20 Even though Executive Order 13195, signed by President Clinton on January
21 18, 2001 and published in the Federal Register at 66 FR 7391-7393 directs that all
22 federal agencies “protect, connect, promote, and assist trails” to the extent
23 permitted by law and where practicable, and protect the trail corridors associated

1 with the national scenic trails “to the degrees necessary to ensure that the values
2 for which each trail was established remain intact,” the Forest Service issued the
3 special use permit with only a passing consideration of the jarring impact of a
4 138 kV transmission line on the scenic values of the trail. Incredibly, even as the
5 Forest Service discounted alternatives that would affect private lands because of
6 the negative consequences on private landowners, the Forest Service suggested
7 that “people can be expected to walk the roads leading to the [transmission line]
8 structures when the project is complete, finding small wetlands on the ridges and
9 grassy openings around some of the transmission line structures.” With due
10 respect, the idea that the public will be attracted to or should be invited to
11 traverse the roads and right-of-way of a industrial transmission line corridor is
12 not accurate or realistic. High voltage transmission lines are not compatible
13 with a scenic recreation trail, particularly one intended to evoke in the visitor
14 the experience of Sheltopee as he traversed this land.

15 **What impacts would the line construction have on the Forest?**

16 According to the Forest Service Environmental Assessment (EA), the 6.9 mile
17 line would cross some 4.8 miles of national forest land and 2 miles of private
18 and a 100 foot-wide right-of-way would be cleared, with an additional 6.7 new
19 miles of roads constructed on forest service land to access the right-of-way.
20 Herbicides would be applied to cut stumps and again after 1-2 years and every 3-4
21 years thereafter, according to the EA.

22 **What alternatives did the Forest Service consider?**

23 The EA indicates that the Forest Service considered no action (Alternative C),

1 the proposed action described above (Alternative A); Alternative A without
2 the use of herbicides (Alternative B); a western route that would parallel an
3 existing KU transmission line for 2.9 miles which was rejected
4 because the transmission line would be “highly visible from I-64 and Forest Road
5 977,” (Alternative D); a private land-only route that would avoid the forest, which
6 was not considered in detail for seven reasons, including that “[t]he transmission
7 line would cross directly over homes, barns, and other buildings; a practice that is
8 avoided for human safety, electric transmission reliability, and access concern”
9 and that “the transmission line and structures would be highly visible from the
10 most traveled roads in Rowan County” (Alternative E); an alternative that would
11 connect the Cranston Substation to the KU Goddard Rodburn line and would
12 involve reconductoring lines and other upgrades, which was also rejected (Alter-
13 native F); and two eastern routes that would reduce the amount of Forest crossed
14 by paralleling the existing AEP transmission line in part, reducing the impacts
15 on federal lands to 2.1 miles and 1.2 miles respectively, both rejected due to cost,
16 crossing over private lands and an existing AEP transmission line, and clearing of
17 land along Triplett Creek (Alternatives G and H).

18 **Where in the Environmental Assessment is the consideration of the effects**
19 **of the various alternatives on the Sheltoewe Trace National Recreation Trail?**

20 In the 153-page document, the only discussion of the impact on the Sheltoewe
21 Trace is found in two paragraphs at pp. 65-66 where the EA observes that the
22 “new transmission line would be visible from the Sheltoewe Trace Trail, a
23 National Recreation trail in the affected area.”

1 It is on page 66 that the EA suggests that the transmission line right-of-way and
2 access roads will attract visitors: “People can be expected to walk the roads
3 leading to the structures when the project is complete, finding small wetlands on
4 the ridges and grassy openings around some of the transmission line structures.
5 The grassy openings and small wetlands are desirable sites for many to visit for
6 their beauty and opportunities to see wildlife.” It is curious that so little
7 consideration is given to visibility and public safety issues concerning those
8 encountering the structures on Forest Service land while traversing a scenic
9 recreational trail when those issues are so paramount in rejecting private land
10 and existing utility-corridor alternatives.

11 **Are you asking that the Commission second-guess the Forest Service**
12 **decision to approve the proposed transmission line route?**

13 No. Given the short shrift that the Forest Service gave to the need to assure
14 protection of the Sheltopee Trace, and the lack of any consideration of an
15 alternative that would co-locate lines in existing rights-of-way to the extent
16 possible, I am asking that the Commission direct a more thorough independent
17 assessment of alternatives that would minimize impacts on *both* new private lands
18 and the Sheltopee Trace.

19 **What consideration should cost play in the Commission’s decision?**

20 A significant underlying concern that I have is that the comparison of costs assoc-
21 iated with the alternatives is skewed because the direct and indirect costs of
22 traversing public lands are not being considered in weighing alternatives.

23 **Please explain in more detail.**

1 Certainly. According to the Forest Service, there will be no rental or other
2 fee paid by EKPC for the use of public land for the transmission line ROW. This
3 use of public land, and all of the associated impacts on the visual and recreational
4 enjoyment of the Sheltopee Trace, is not valued when considering the costs, even
5 though the dedication of the land to the use for an electric utility corridor is
6 something of significant value to the company. In considering what are
7 reasonable alternatives, the cost of land acquisition should not be the determining
8 factor unless comparable value is assigned to the use of the public's land for
9 location of the transmission line and ROW corridor, and the loss of forested
10 habitat and scenic and recreational opportunities associated with the clearcutting
11 of a utility corridor and associated roads. Otherwise, those very real costs become
12 "externalities" and the decision will always favor the use of the "commons" over
13 private lands and existing utility corridors owned by other utilities.

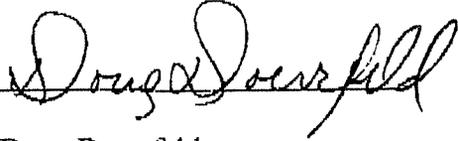
14 **Are there other alternatives that should be evaluated?**

15 Yes. The MSB Energy Associates report identified alternatives, which EKPC has
16 rejected in its response to Staff Data Requests. I hope that MSB is asked to assess
17 the EKPC responses and to evaluate the justifications provided by EKPC for
18 not choosing any of them. Having already applied for a federal special use permit
19 and other permits and approvals for this specific corridor *before* applying to the
20 Commission, EKPC has an obvious interest in *not* altering the chosen corridor
21 An independent evaluation by MSB of their justifications is essential.

1. Does this conclude your testimony?

2. Yes. it does.

AFFIDAVIT



Doug Doerrfeld

Subscribed and sworn to before me, a notary public in the Commonwealth of Kentucky,
by Doug Doerrfeld, this 1 day of ~~June, 2005~~. JULY - 2005



Notary Public

My commission expires 7-8-07

CERTIFICATE OF SERVICE

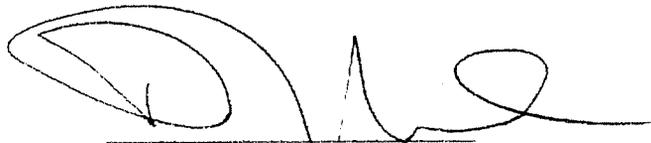
I hereby certify that a true and correct copy of the foregoing Direct Testimony of Intervenor Doug Doerrfeld was served by first-class mail upon the following individuals, and on EKPC's Counsel and Commission Staff electronically, this 1st day of July, 2005:

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